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	Decided on :-	18/04/2026
	Duration :-	09Yrs. 05Months. 01Days.
	EXHIBIT NO.110	

Form No. XXXII

Part - 'A'

(Title Page of Judgment)

[Para 44(i) of Chapter VI of Criminal Manual]

	IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, AT : KURKHEDA, DISTRICT : GADCHIROLI Presided over by N.P. Deshpande, Judicial Magisterial F.C., Kurkheda	
	[Decided on 18 th day of April, 2026] Old Summary Criminal Case No. 170/2016 Regular Criminal Case No. 19/2022	
	Forest Crime No.527/2014, Offence punishable under section 26(1)(i) of the Indian Forest Act and Sections 9, 39(3), 48-A, 49, 51 of the Wild Life (Protection) Act Forest Office Wadsa, District Gadchiroli.	
Complainant/ Prosecution		State of Maharashtra through the Forest Office Wadsa, District – Gadchiroli.
Represented by	Mr. A.P. Nakade, Learned Asst. Public Prosecutor	
Accused		1. Moreshwar Charandas Ambade, Age – 32 Years, Occupation : Labour, R/o. Lumbini Nagar, Mokosabag Kadbi Chowk, Nagpur, Tq- and District – Nagpur. 2. Nalin Kashinath Ambade, Age – 42 Years, Occupation : Agriculturist, R/o. Warvi, Post- Ramgad, Taluka – Kurkheda, District – Gadchiroli. 3. Parasram Zitaru Narote, Age – 50 Years, Occupation : Agriculturist, R/o. Warvi, Post- Ramgad, Taluka – Kurkheda, District – Gadchiroli.
Represented by	Learned Advocate Mr. G. M. Nagmoti	

(Para 44 (ii) of Chapter VI of Criminal Manual)

Date of offence	10/10/2014
Date of F.I.R.	11/10/2014
Date of Chargesheet	17/11/2016
Date of Framing charges	10/04/2023
Date of commencement of evidence	17/08/2022
Date on which judgment is reserved	-----
Date of Judgment	18/04/2026
Date of the Sentencing order, if any.	-----

DETAILS OF ACCUSED :-

Rank of the accused	Name of the accused	Date of Arrest	Date of Release on bail.	Offences charge with	Whether acquitted or convicted	Sentence imposed	Period of detention Undergone during trial for the purposes of section 428 of Cr.P.C.
1)	Moreshwar Charandas Ambade	11/10/14	10/11/14	U/sec. 9, 39(3), 48-A, 49, 51 of the W. L. (Protection) Act	convicted	Rigorous imprisonment of 36 months (thirty six months only) and to pay fine of Rs. 10,000/- each, (ten thousand rupees each only)	11/10/14 to 10/11/14 (M.C.R.)
2)	Nalin Kashinath Ambade	-"-	-"-	-"-	-"-	-"-	-"-
3)	Parasram Zitaru Narote	-"-	-"-	U/sec. 26(1)(i) of the I. F. A. and Sec. 9, 39(3), 48-A, 49,	-"-	Rigorous imprisonment of 6 months (six months only) and to pay fine of Rs. 500/-	-"-

				51 of the W. L. (Protecti on) Act	(five hundred rupees only) and rigorous imprisonment of 36 months (thirty six months each only) and to pay fine of Rs. 10,000/-each, (ten thousand rupees each only)	
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Part 'C'**[Para 44 (iii) of Chapter VI of Criminal Manual]****LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution :**

RANK	NAME	NATURE OF EVIDENCE (Eye-Witness, Police Witness, Expert Witness, Medical Witness, Panch Witenes, Other Witness)
PW1	Pritamsing Gulabsing Kodape Asst. Conservator of Forest	Complainant
PW2	Dinesh Vasantao Telang Forester	Witness
PW3	Suresh Vishwanath Dahikar Retired Forester	Witness
PW4	Arun Vitthal Gujjewar Forester	Witness
PW5	Gorakh Dnyanoba Kumbhar Police Inspector	Police Officer who seized the skin and nails of cub of the leopard, detained accused No.1 & 2 and handed over to complainant forest officer.

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (Eye-Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
	--	Nil..

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (Eye-Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
	--	Nil..

LIST OF PROSECUTION EXHIBITS**A. Prosecution :**

SR.NO	EXHIBIT NUMBERS	DESCRIPTION
1)	Exhibit P-43/PW1,	Seizure Panchnama of Leopard skin and five nails
2)	Exhibit P-44/PW1,	Statement of Accused No. 1 Moreshwar
3)	Exhibit P-45/PW1,	Statement of Accused No. 2 Nalin
4)	Exhibit P-46/PW1,	Statement of Accused No. 3 Parasram
5)	Exhibit P-47/PW1,	Spot panchnama of Leopard hunting
6)	Exhibit P-48, 49/PW1,	Spot panchnama and Seizure panchnama of Axe
7)	Exhibit P-50/PW1,	Tax Receipt of house of Accused No. 3 Parasram
8)	Exhibit P-51/PW1,	The Bombay Government Gazette Part I Supplement Nagpur Division Dated 03.10.1957
9)	Exhibit P-52/PW1,	Vehicle Information of Motor Vehicle No. MH 49 S 6452
10)	Exhibit P-53/PW1,	Detailed Map of Spot
11)	Exhibit P-54/PW1,	Analysis Report of Leopard
12)	Exhibit P-89/PW3,	Spot panchnama of Accused No. 3 Parasram house and Survey No. 133
13)	Exhibit P-90/PW3,	Seizure panchnama of Vehicle No. MH 49 S 6452
14)	Exhibit P-91/PW3,	Forest Crime P.O.R. dated

		11.10.2014
15)	Exhibit P-94/PW5,	Seizure panchnama of Leopard skin and 5 nails
16)	Exhibit P-95/PW5,	Letter to Assistant Forest Conservator dated 10.10.2014 by PW-5 G. D. Kumbhar Crime Branch Nagpur

B. Defence :

SR.NO.	EXHIBIT NUMBERS	DESCRIPTION
--	Nil	--

C. Court Exhibits :

SR.NO.	EXHIBIT NUMBERS	DESCRIPTION
	--	Nil..

D. Material Objects :

SR.NO.	EXHIBIT NUMBERS	DESCRIPTION
1.	Article A & B	Leopard cubs skin and 5 nails

Charge:- Offence under section 26(1)(i) of the Indian Forest Act and Sections 9, 39(3), 48-A, 49, 51 of the Wild Life (Protection) Act

JUDGMENT

(Delivered on 18th day of April, 2026)

Accused No.1 to 3 are facing trial for the Offence under sections 26(1)(i) of the Indian Forest Act and Sections 9, 39(3), 48-A, 49, 51 of the Wild Life (Protection) Act.

2. The case of prosecution is as under :

On 10.10.2014, PW-5 G.D. Kumbhar A.P.I. Crime Branch Nagpur was doing petrolling and he found accused no.1 Moreshwar Charandas Ambade in possession of skin and five nails of cub of leopard at Gondwana Chowk Area, in front of Mekosabag High School situated at Nagpur, seized vide panchnama Exh.94. Thereafter during inquiry it revealed that accused no. 2 Nalin Kashinath Ambade handed him skin and nails of cub of leopard. Thereafter, accused no. 2 Nalin was brought in the

crime branch Nagpur. Thereafter, during inquiry, it revealed that cub of leopard was hunted by accused no. 3 Parasram Zitaru Narote in the forest range Purada(Dadapur Forest). Thereafter, on 10.10.2014 PW-5 informed about wild life crime to the Assistant Conservator of Forest/complainant Pritamsing Kodape. Complainant Pritamsing and his staff went at crime branch Nagpur. Thereafter, PW-5 G. D. Kumbhar handed over accused no. 1 and 2 as well as seized skin and five nails of cub of leopard to complainant vide letter Exh.95 dated 10.10.2014 in late night. On 11.10.2014 accused no. 1 and 2 were brought in Wadsa Forest Office. Their statements were recorded who admitted that they brought skin and five nails of cub of leopard from accused no. 3 Parasram Narote. Thereafter, during investigation it revealed that accused no. 3 Parasram Narote had gone in reserve forest compartment no. 245 at Dadapur along with three dogs, later on one cub of leopard attacked on one of the dogs and at that time accused no. 3 hunted the cub by making axe blow on its neck and removed its skin and five nails which were handed over to accused no. 2 Nalin for sale. During investigation, accused no. 3 Parassram has shown the spot of incidents Exh.47, handed over axe vide panchnama Exh. 48 and 49. After investigation it revealed that accused no. 3 committed trespass in the forest area of Dadapur within compartment no. 245 tq- Kurkheda dist- Gadchiroli and in furtherance of common intention of accused no. 1 to 3 they committed hunting of cub of leopard and accused no. 1 and 2 found in possession of its skin and five nails at Nagpur punishable under section 26(1)(i) of the Indian Forest Act and Sections 9, 39(3), 48-A, 49, 51 of the Wild Life (Protection) Act.

3. On the basis of the complaint, Forest Office registered Forest Crime No. 527/2014 on 11.10.2014 for the offence under section 26(1)(i) of the Indian Forest Act and Sections 9, 39(3), 48-A, 49, 51 of the Wild Life (Protection) Act against accused no. 1 to 3. Its investigation was handed over to PW-1 Pritamsing Kodape, Assistant Conservator of Forest Wadsa who investigated the crime either by himself or with the help of his sub-

ordinate staff and filed complaint before this Court. During investigation investigating officer recorded statements of accused no. 1 to 3, visited the spot Warvi/Dadapur Forest in the compartment no. 245 tq- Kurkheda along with accused no. 3 at where he hunted the cub of leopard, prepared seizure panchanama of the Axe in his residential house, collected tax receipt, vehicle information of accused no. 1, detailed sketch of hunting spot from Exh. 43 to 53, sent the samples to the C.C.M.B. laboratory Hyderabad for analysis vide Exh. 54.

4. After recording the evidence before charge, my learned predecessor framed the charge (Exh.62) against accused no. 1 to 3 for the offence punishable under section 26(1)(i) of the Indian Forest Act and Sections 9, 39(3), 48-A, 49, 51 of the Wild Life (Protection) Act. Accused no. 1 to 3 pleaded not guilty and claimed to be tried. Statements of the accused under section 313 of Code of Criminal Procedure are recorded vide Exh-106 to 108. From the mode of cross-examination and the statements recorded under section 313 of Code of Criminal Procedure, the defence of accused persons appears to be of total denial and false implication.

5. On the above facts and circumstances of the case, after having anxious thought over the charge framed and evidence brought on record, the following points arise for my determination. My Findings with reasons thereon are as under;

<u>Sr.No.</u>	<u>Points</u>	<u>Findings</u>
1)	Does prosecution prove that before the festival of Pola of the year 2014, in the ... Reserved Forest Are in Compartment No. 245, i.e. in the forest of Dadapur, Talika-Kurkheda, District- Gadchiroli, accused no. 3 namely Parasram Zitaru Narote hunted the cub of leopard and thereby committed offence punishable under section 26(1)(i) of the Indian Forest Act ?	In the affirmative
2)	Does prosecution prove that on the above same date, time and place, accused in	

furtherance of their common intention ... committed hunting of the animal i.e. cub of leopard within the meaning of definition of animal specified in Schedule I for the purpose of making the animal article, trophy or uncure trophy or meat derived from the wild animal and transit the skin of cub and contravened the provisions of section 9, 39(3), 48-A and 49 of the Wild Life (Protection) Act and thereby committed offence punishable under section 51 of the Wild Life (Protection) Act ?	In the affirmative
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3). What order ?	... As per final order.
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REASONS

6. In order to bring home guilt of accused no.1 to 3, prosecution has examined in all 05 witnesses. The accused persons have adduced neither oral nor documentary evidence in support of their defence and their defence is of total denial and false implication.

AS TO POINT NO. 1 & 2 :-

7. In order to prove the offence under section 26(1)(i) of the Indian Forest Act and sections 9, 39(3), 48-A, 49, 51 of the Wild Life (Protection) Act, the prosecution has to prove that before the festival of Pola of the year 2014, in the Reserved Forest Are in Compartment No. 245, i.e. in the forest of Dadapur, Talika- Kurkheda, District- Gadchiroli, accused no. 3 namely Parasram Zitaru Narote hunted the cub of leopard, accused no. 1 to 3 in furtherance of their common intention committed hunting of cub of leopard within the meaning of definition of animal specified in Schedule I for the purpose of making the animal article, trophy or uncure trophy or meat derived from the wild animal and transit the skin of cub. So also prosecution has to prove these facts with legally admissible evidence beyond reasonable doubts.

8. As per evidence of PW-1 complainant Pritamsing Kodape at Exh.42 on 10.10.2014, he was working as Assistant Conservator of Forest at Wadsa, on that day at 08.00 pm, he received information from crime branch Nagpur that within Wadsa Forest Division in Forest Range Purada one leopard is hunted and crime branch Nagpur caught red handed to accused no. 1 Moreshwar Ambade and accused no. 2 Nalin Ambade. As per evidence of PW-5 G.D. Kumbhar Police Inspector at Exh. 93 that on 10.10.2014, he was working as Assistant Police Inspector in Crime Branch Nagpur, on that day during his daily duties he found one Ramdas Ambade in front of Mekusabag High School Gate in Gondwana Square Area of Nagpur, he found skin and five nails of one leopard in possession of Ramdas Ambade which were seized by him under panchnama Exh. 94 in presence of panchas. As per further evidence of PW-5 G.D Kumbhar, during the primary inquiry with Ramdas Ambade, it revealed that the skin and five nails were brought by the Accused no. 2 Nalin Kashinath Ambade, on the same day he called accused no. 2 Nalin Ambade. It has further come in PW-5 G.D. Kumbhar that thereafter he handed over seized property i.e skin and five nails along with accused no. 1 and 2 to the Assistant Conservator of Forest vide letter Exh.95 dated 10.10.2014. Learned Advocate for accused cross-examined him. However, nothing fruitful has come on record.

9. Learned Advocate for accused argued that prosecution did not examine panch witness of Exh.94. Therefore, panchnama is not admissible in evidence. It is pertinent to note here that the present crime was involving hunting of wild life i.e. cub of leopard, PW-5 G.D. Kumbhar was not investigating officer, being a public servant it was duty of PW-5 to inform the wildlife crime to the concerned authority i.e. Assistant Conservator of Forest i.e. complainant PW-1 and to hand over the seized Articles and caught hold accused to the authority for further investigation. Thus, PW-5 G.D. Kumbhar being the public servant was duty bound to seize the skin and nails and to caught hold the offenders in whose possession that property was seized. Accordingly, it transpires that PW-5 G.D. Kumbhar

effected panchnama Exh. 94 and passed letter Exh.95 dated 10.10.2014 to the Forest Authority in whose local limits offence was committed. Thus, prosecution has not examined panch witnesses of panchnama Exh. 94 dated 10.10.2014, however PW-5 G.D. Kumbhar was not doing investigation in the present crime and he has seized the Articles from possession of accused no.1 and handed over the property and caught hold accused no. 1 and 2 to the authority. Therefore, as the PW-5 G.D. Kumbhar effected Exh. 94 and 95, it was his duty to prevent offence, to screen offenders to seize the property in wildlife crime and to handover the same to the proper authority Assistant Conservator of Forest Wadsa in whose local limits wild life crime was committed. Although, it is the irregularity of the prosecution in non examining the panch witnesses of Exh. 94, however, PW-5 G.D. Kumbhar not being the investigating officer effected the panchnama and adduced his evidence to that effect, it was his duty to do so. Therefore, I found evidence of G.D. Kumbhar reliable and believable who has proved panchnama Exh. 94 and issued letter Exh. 95 dated 10.10.2014.

10. On perusal of panchnama Exh. 94 dated 10.10.2014 it is seen that the personal search and seizure panchnama was effected in front of Mekosabag High School Gate within local limits of Zaripatka Police Station Nagpur in presence of panchas namely Amitsing Ajitsing Bava and Mohammad Shabir Mohammad Sharif Sheikh, panchnama shows that PW-5 G.D. Kumbhar was doing petrolling on 10.10.2014 along with police staff at about 18.30 hrs. One person was waiting for someone else by keeping skin like tiger or similar animal in his hand, PW-5 seized the property skin of cub of leopard and its five nails from possession of accused no. 1 Moreshwar Ambade R/o. Lumbini Nagar Nagpur. It is seen that the panchnama Exh. 94 was prepared from 19.00 hrs till 20.30 hrs in the lights of electrical pole. So also on perusal of letter Exh. 95 dated 10.10.2014, it is seen that PW-5 G.D. Kumbhar handed over the seized property vide Exh. 94 and caught hold accused no. 1 Moreshwar Ambade and accused no. 2 Nalin Ambade to the complainant Assistant Conservator of Forest Wadsa. It is pertinent to note

here that PW- 5 G.D. Kumbhar did not arrest accused no. 1 Moreshwar Ambade and accused no.2 Nalin Ambade. However, as per his evidence after seizure of the Exh. 94 from possession of accused no. 1 Moreshwar, he revealed involvement of accused no. 2 Nalin Ambade whom he later on found in his office and vide letter Exh. 95 he has handed over the seized property and both aforementioned accused to the complainant.

11. Thus, documentary evidence at Exh. 94 and 95 shows that accused no. 1 was caught red handed by PW- 5 G.D. Kumbhar along with skin and five nails of cub of leopard. Thereafter, he called accused no. 2 Nalin who was involved in the offence and handed over both the accused along with the property to the complainant vide these documents. Question will arise that without making arrest of accused no. 1 and 2 how PW-5 G.D. Kumbhar handed over them to the complainant. However, the present crime was in respect of wildlife within the local limits of Wadsa Forest Division and it was not expected from G.D. Kumbhar typically to prepare arrest forms of accused no. 1 and 2 and thereafter handover same to the complainant. Sum and substance Exh. 94 and 95 shows that on 10.10.2014 PW-5 seized baby cub skin and five nails from accused no. 1 Moreshwar, caught hold accused no. 1 Moreshwar and accused no. 2 and handed over seized property to the complainant in whose local limit wildlife crime was committed.

12. During evidence of PW-5 G.D. Kumbhar, in place of accused no. 1 Moreshwar Ambade he has mentioned the name of Rameshwar Ambade. On perusal of Exh. 95 it transpires that due to clerical mistake instead of mentioning Moreshwar Charandas Ambade, concerned writer has in one place wrongly mentioned as Rameshwar Charandas Ambade and on sub-subsequent portion it reveals that actually the seized property as per panchnama Exh. 94 and both accused no. 1 Moreshwar Charandas Ambade and accused no. 2 Nalin Kashinath Ambade are handed over vide letter. Thus, considering the clerical error in preparation of Exh. 95 it might be evidence of PW- 5 G.D. Kumbhar that Rameshwar Charandas Ambade

instead of Moreshwar Charandas Ambade. Therefore, I find some irregularity in it however it does not affect merits of evidence of PW-5 G.D. Kumbhar.

13. As per evidence of PW-5 G.D. Kumbhar at Exh. 93 that complainant has taken the possession of the seized property and both the accused vide panchnama Exh. 43 which bears signature of accused Ramdas and accused no. 2 Nalin. During cross-examination PW-5 G.D. Kumbhar admitted that forest officers including complainant did not record his statement. Learned advocate for accused submitted that PW-5 G.D. Kumbhar is important witness, complainant did not record his statement, therefore it creates doubt. It is pertinent to note here that the forest officers used to record statements during course of their investigation. In the present case, it was necessary for them to record statement of PW-5 G.D. Kumbhar. However, evidence of PW-5 G.D. Kumbhar is to the extent of seizure of skin and five nails of cub of leopard from the possession of accused no. 1 Moreshwar Ambade vide Exh.94 dated 10.10.2014, apprehending accused no. 2 Nalin Ambade after making reasonable inquiry and standing over the seized property and both the accused no. 1 and 2 to the complainant vide Exh. 95 dated 10.10.2014. In support of it the prosecution has filed on record panchanama Exh. 94 and letter Exh. 95. Recording statement of PW-5 G.D. Kumbhar was mere formality. Therefore, although forest officers or complainant failed to record statement of G.D. Kumbhar, however, it does not affect the case in hand of the prosecution or complainant.

14. On perusal of panchnama Exh. 43 it transpire that even after preparation of panchnama Exh. 94 on 10.10.2014, spot cum seizure panchnama Exh. 43 dated 11.10.2014 was prepared at 2.45 am in presence of A.V. Gujjewar and S.V. Dahikar who are the Forest Staff Members accompanied with complainant Pritamsing Kodape, panchnama Exh. 43 bears signatures of accused no. 1 Moreshwar Ambade and accused no. 2 Nalin Ambade. Learned Advocate for accused argued that panchas of Exh.

43 are the forest guards working under complainant. Therefore, panchnama Exh. 43 has no value in the eye of law. Already, G.D. Kumbhar effected panchnama Exh. 94 and handing over letter Exh. 95 on 10.10.2014, thereafter it might be possible that while taking property and persons vide Exh. 94, complainant would have decided to make one formal panchnama on his behalf to that effect. Sum and substance, already Exh. 94 and 95 were prepared and thereafter it was not necessary to effect another panchnama Exh. 43 which bears signatures of Forest guards working under complainant, however complainant effected it as a mere avoidance of technicality. Therefore, I am of the view that even though Exh. 43 bears signature of forest guard working under complainant, it is mere formality and already panchnama Exh. 94 and letter Exh. 95 was prepared. Thus, I do not find any substance in the arguments of learned advocate for accused to the effect that panchnama Exh. 43 bears signatures of forest guards, therefore it is not effective.

15. It has come in the evidence of complainant Pritamsing Kodape at Exh. 42 that after preparation of panchnama Exh. 43 on 11.10.2014, he caught hold accused no.1 and 2 along with seized property and taken them to forest office at Wadsa and recorded statements of accused no. 1 Moreshwar Charandas Ambade and accused no. 2 Nalin Kashinath Ambade as per Exh. 44 and 45 and as per it Nalin Kashinath Ambade had taken skin and five nails of cub of leopard from accused no.3 Parasram Narote . As per provisions of Bhartiya Nagrik Suraksha Sanhita or Old Criminal Procedure Code, admission of the accused persons before police officer is irrelevant. However, as per forest laws recording the statements of accused and witnesses is prescribed as eye witnesses are not available in many cases and the forest officers bound to do the investigation and to adduce evidence to that effect. Therefore, considering that complainant is not the police officer and he is the forest officer recording statement of accused no. 1 and 2 is legal and complainant bound to do so and to make the progress in his investigation of the wildlife crime.

16. As per statement of accused No.1 Ambadas Ambade at Exh-44 dated 11.10.2014 accused No.2 Nalin Kashinath Ambade is his maternal brother who came at Nagpur on 03.10.2014 and asked whether anyone will purchase the skin of leopard and accused No.1 Moreshwar told him to sell out the same, on 08.10.2014 he went at Warvi Ta.Kurkheda by his motorcycle No.MH 49 S 6452 and on 9.10.2014 took Skin and went at Nagpur and on the date of incident dated 10.10.2024 he was waiting for seller to sell the skin at Gondwana Square at Nagpur. As per statement of accused No.2 Nalin Kashinath Ambade at Exh-45 dated 11.10.2014 he is the resident of Warvi Ta.Kurkheda running a grocery shop at there, accused No.3 Parasram told him that he has hunted a leopard and kept its skin for drying. Therefore accused No.2 on 03.10.2014 went at Nagpur for making sales inquiry with accused No.1 Moreshwar and called him at Warvi and on 09.10.2014 handed over the skin to accused no. 1 Moreshwar. Thereafter, crime branch Nagpur apprehended him at Bramhapuri.

17. It has come in the evidence of complainant Pritamsing Kodape at Exh. 42 that on 11.10.2014, he recorded statement of accused no. 3 Parasram vide Exh-46 that Prior to Pola Festival of that year went in the Dadapur Forest area alongwith his three dogs, at that time one cub of leopard attacked on his one of the dogs and he hunted the cub by making axe blow on its neck, he threw other parts in the forest and removed its skin and five nails, brought it to his house at Warvi, thereafter told accused No.2 Nalin about it who told him that he will help to sell the skin and nails. Thereafter handed over the skin to accused No.2 Nalin for selling. As per further evidence of complainant Pritamsing thereafter accused No.3 has shown him the spot of hunting situated in the Forest Area vide Panchanama Exh-47 dated 12.10.2014, however he did not find any decomposed on it and vide panchanama Exh-48 & 49 he seized an axe from accused No.3 Parasram at his house situated at Warvi ta.Kurkheda. So also complainant has submitted tax receipt of house of accused situated within the limits of Dadapur Gram Panchayat. As per further evidence of complainant at Exh 42

compartment No.245 at Village Warvi ta.Kurkheda is the reserved forest and its notification is filed on EXh-51. Specifically complainant has adduced his evidence and filed a detailed map Exh-53 showing where accused No.1 hunted the leopard cub, where he removed its skin, where he threw the flesh and where he dried the skin of leopard on the basis of statement of accused No. 3 Parasram.

18. As per evidence of complainant at Exh-42, he sent the skin and nail samples to the Centre for Cellular and Molecular Biology Hyderabad for analysis and vide its letter Exh-54 dated 10.03.2015 received analysis report. On perusal of Exh-54 it is seen that sample of brain of dead leopard was sent on 18.11.2014 of which polymerase chain reaction (PCR) with CDV specific primers test is done and its report is negative. Thus, skin and nail samples were sent and mistakably as per report Exh. 54 sample of brain was analysed due to mistake of the lab. However, correspondance of complainant and his office shows that actually they sent skin and nail samples. However, fact is clear that brain sample is analysed and it was not sent by the complainant office. Thus, due to mistake of either of the office of the complainant or CCMB laboratory Hyderabad some other sample is analysed. The report is negative. However, it is definite from Exh-54 that skin sample and nail samples seized in the wildlife crime were sent for analysis. In case in hand complainant sent samples however due to error or accident some other sample is analysed.

19. As per evidence of complainant Pritamsing at Exh-42 his subordinate forest guard Dahikar seized the vehicle No.MH 49 S 6452 and collected letter Exh-52 to the effect that it belongs to accused No.1 Moreshwar Ambade and Forest Guard Dahikar recorded POR, he recorded statements of witnesses and lodged complaint against accused No.1 to 3. Prosecution examined PW-2 Dinesh Telang forest guard, PW- Suresh Dahikar forest guard and PW-4 Arun Gujjewar who corroborated evidence of complainant and registration of POR vide Exh-91.

20. As per evidence of complainant Pritamsing Kodape, PW-5 G.D.Kumbhar they identified Article-A skin and Article-B 5 nails of cub of leopard seized from the possession of accused No.1 Moreshwar. Learned advocate for accused argued that prosecution has not brought any evidence that the seized skin and nails are of leopard. However, complainant Pritamsing is a forest officer and PW-5 G.D. Kumbhar is a police officer, who identified these articles i.e. skin and nails are of cub of leopard, they can identify it by their education, training and experience in the service. Needless to mention here that skin and nails sample was sent for analysis but due to error it could not be analysed. I have seen the Article-A Skin and Article-B 5 nails, out of it the skin at Article-A seems skin like tiger or leopard. Definitely the skin and nails are of wild animal and as per evidence of complainant Pritamsing and PW-5 G.D. Kumbhar they have seized it from accused No.1 Moreshwar. Sum and substance Article-A skin and Article-B 5 nails are of Wild Animal cub of leopard and seems like that is sufficient to prove hunting. Even though these articles are assumed to be wild life other than leopard, it is punishable.

21. As per evidence of PW-5 G.D. Kumbhar at Exh. 93, he can identify Ramdas and Nalin and thereafter out of accused no. 1 to 3 present on the day of evidence he has shown accused no. 3 Parasram as Ramdas Ambade (Moreshwar Ambade) and accused no. 2 Nalin Ambade. Out of which identification of accused no. 2 Nalin Ambade was right and identification of accused Ramdas (Moreshwar) was wrong. Learned advocate for the accused no. 1 to 3 argued that PW-5 G.D. Kumbhar did not identify accused no. 1, therefore it creates doubt. Learned A.P.P. submitted that the evidence of PW-5 G.D. Kumbhar was recorded on V.C. and not on offline mode. Therefore, due to mirror mode PW-5 would be confused. On the case in hand, PW-5 G.D. Kumbhar prepared seizure panchanama Exh. 94 and issued letter Exh. 95 on dated 10.10.2014 and evidence of PW-5 is recorded on 05.01.2026, after laps of 12 years. Therefore, due to a long gap of 12 years it might be possible that PW-5 while adducing his evidence on

video conferencing either should have been confused or due to use of the camera of V.C. mirror image had been seen by him. However, documentary evidence at Exh. 94 and 95 shows that he has seized skin and nails of leopard cub from the possession of accused no. 1 Moreshwar Ambade whom he also referred in it as Ramdas Ambade. It does not affect any merit as documentary evidence supports to that effect.

22. Thus, conjoint evidence of complainant Pritamsing Kodape, PW-5 G.D. Kumbhar and other forest officers has proved following facts:

- i) On 10.10.2014 PW-5 G.D. Kumbhar seized skin and five nails from the possession of accused no.1 Moreshwar Ambade.
- ii) On 10.10.2014, PW-5 G.D. Kumbhar revealed during course of inquiry with accused no. 1 Moreshwar that skin and nails of cub of leopard was handed over to him by accused no. 2 Nalin Ambade whom he apprehended and produced in his crime Branch Office Nagpur.
- iii) PW-5 prepared seizure panchanama Exh. 94 of the aforesaid Articles and handed over both accused no. 1 and 2 to the Wadsa Forest Division or complainant Pritamsing Kodape in whose local limit wildlife offence was committed.
- iv) Accused no. 2 Nalin Ambade took skin and five nails of cub of leopard from accused no. 3 Parasram Narote, thereafter he transported it from Warvi to Nagpur and handed it to the accused no. 1 Moreshwar Ambade for its sale.
- v) Accused no. 3 Parasram Narote actually hunted cub of leopard during the period of Pola Festival in the year 2010 in the reserve forest area in compartment No. 245 of village Warvi and Dadapur tq- Kurkheda, later on he removed its skin and five nails and threw the useless flesh and other part in the forest area of Dadapur.
- vi) Forest officers seized the Axe from his possession under

panchanama.

- vii) The forest officers has produced on record documentary evidence available at Exh. 43 to 54, 89, 90, 91, 94 and 95.
- viii) The complainant produced the seized property Article A skin of cub of leopard and Article B five nails of cub of leopard.

23. All aforesaid ingredients shows that accused no. 3 Parasram during the festival time of Pola of 2010, committed trespass in the Dadapur forest for hunting of cub of leopard punishable under Section 26(1)(i) of the Indian Forest Act, he actually hunted the cub of leopard by means of axe blow on its neck and by removing its skin and five nails. As per Section 9 of the Wild Life (Protection) Act hunting of the Schedule I to IV animals is prohibited, accused no. 1 Moreshwar handed over the possession or transferred skin and five nails of the cub of leopard to the accused no. 2 Nalin, accused no. 2 Nalin Ambade inspite of having restriction on transportation of the wild life or its skin and nails transported it from Warvi tq-Kurkheda to Nagpur and handed it over to accused no. 1 Moreshwar Ambade.

24. Thus, by way of the evidence of PW-1 to PW-5, documentary evidence available at Exh. 43 to 54, 89, 90, 91, 94, 95 and production of Article A skin of the hunted cub of leopard and Article B five nails of hunted cub of leopard sucessfully proved that accused no. 1 committed offence punishable under Section 26(1)(i) of the Indian Forest Act, accused no. 3 hunted the cub of leopard, accused no. 1 to 3 contravened provisions of Section 9, 39(3), 48-A and 49 of the Wild Life (Protection) Act and thereby committed offence punishable under Section 51 of the Wild Life (Protection) Act. Now, onus is shifted upon accused no. 1 to 3 to prove that they did not commit offence and to reshift the onus upon the prosecution. However, accused no. 1 to 3 has failed to prove the same and to reshift the onus upon the prosecution. Hence, I hold that prosecution has proved

offence punishable under Section 26(1)(i) of the Indian Forest Act against accused no. 3 and offence punishable under Section 51 of the Wild Life (Protection) Act against no. 1 to 3. Hence, I answer point no. 1 and 2 in the affirmative. I am pausing my judgment to hear both the parties on point of probation and sentence.

Place : Kurkheda.
Date : 18/04/2026

(N. P. Deshpande)
Judicial Magistrate F.C.
Kurkheda

AS TO POINT NO.3 :-

25. Learned advocate for accused no. 1 to 3 Shri. G.M. Nagmoti submitted to release accused no. 1 to 3 on probation as the case is pending from last 10 years and already accused no. 1 to 3 are attending the Court regularly therefore they have already suffered a lot by coming from their villages to Kurkheda Court. Learned A.P.P. Shri. A.P. Nakade opposed to grant the probation as the case relates to trespass for hunting of the cub of leopard a Schedule animal in Schedule I of the Act. The present crime is serious involving hunting of the cub of leopard punishable under Section 51 and for trespass for hunting. The crime is serious affecting wild life and environment. Therefore, considering the gravity of the offence I am not inclined to grant the probation to accused no. 1 to 3.

26. Learned advocate Shri. G.M. Nagmoti appearing for accused no. 1 to 3 submitted that considering responsibilities upon accused no. 1 to 3 minimum punishment may be awarded. Whereas learned A.P.P. Shri. A.P. Nakade submitted that considering the facts and circumstances of the offence accused no. 3 hunted Schedule I animal i.e. cub of leopard, so also their hunting was not for livelihood or any general purpose but it was for commercial purpose so that accused no. 1 to 3 transported the skin and five nails from Warvi tq- Kurkheda to Nagpur to gain a huge price. Therefore he submitted to award maximum sentence provided under the statute. Considering that the offence is serious and involving Wild Life hunting and that for the offence punishable under Section 26(1)(i) of the Indian Forest

Act the punishment is provided for 6 months imprisonment or fine upto Rs. 500/- or both and for offence punishable under Section 51 of the Wild Life (Protection) Act, especially considering that present case relates to Schedule I wild animal hunting of cub of leopard, transporting its skin and nails for huge price, the case comes under first proviso of Section 51(1) of the Wild Life (Protection) Act and prescribes imprisonment of not less than 3 years which may extend to 7 years and with fine 10,000/- rupees. I am being the Judicial Magistrate First Class empowered to award imprisonment up to 3 years for one offence and empowered to impose fine up to 50,000/- rupees. Considering the facts and circumstances of the case and my powers to award imprisonment and impose fine, I have to pass just and proper sentence against accused no. 1 to 3 which should also be just reasonable and there should be a balance between prayer of both sides.

27. In the present case, Article A skin of cub of leopard and Article B five nails of cub of leopard are produced vide Valuable Property No. 1/2022. The Axe is seized from the possession of accused no. 3 Parasram Narote and Motorcycle bearing No. MH 49 S 6452 from the possession of accused no. 1 Moreshwar Ambade and at present Axe and the vehicle is in possession of either Forest Division Wadsa or Range Forest Office Purada. Out of which the valuable property Article A skin and Article B five nails of cub of leopard being Government property, it should be returned to the Assistant Conservator of Forest Wadsa after appeal period is over. Seized Axe and Vehicle bearing No. MH 49 S 6452 lying with R.F.O. Kurkheda or Assistant Forest Conservator Wadsa is liable to be confiscated as per the provisions of Wild Life (Protection) Act and rules there under. Hence, in Answer to Point No.3, I pass following order:

ORDER

- 1) Accused no. 3 **Parasram Zitaru Narote** is found guilty and convicted for the offence punishable under Section 26(1)(i) of the Indian Forest Act, vide Section 248 (2) of Code of Criminal Procedure, 1973.
- 2) Accused no. 3 **Parasram Zitaru Narote** shall suffer rigorous

imprisonment of 6 months (six months only) and to pay fine of Rs. 500/- (five hundred rupees only) for the offence punishable under Section 26(1)(i) of the Indian Forest Act and in default of payment of fine he shall suffer further simple imprisonment for 5 days (five days only).

- 3) Accused no. 1 **Moreshwar Charandas Ambade** and accused no. 2 **Nalin Kashinath Ambade** and accused no. 3 **Parasram Zitaru Narote** are found guilty and convicted for the offence punishable under Section 51 of the Wild Life (Protection) Act, vide Section 248 (2) of Code of Criminal Procedure, 1973.
- 4) Accused no. 1 **Moreshwar Charandas Ambade** and accused no. 2 **Nalin Kashinath Ambade** and accused no. 3 **Parasram Zitaru Narote** shall suffer rigorous imprisonment of 36 months (thirty six months each only) and to pay fine of Rs. 10,000/-each, (ten thousand rupees each only) for the offence punishable under Section 51 of the Wild Life (Protection) Act and in default of payment of fine, they shall suffer further simple imprisonment for 4 months (four months only).
- 5) The sentences of accused no. 3 **Parasram Zitaru Narote** for the offence punishable Section 26(1)(i) of the Indian Forest Act and Section 51 of the Wild Life (Protection) Act shall run concurrently.
- 6) Accused No. 1 to 3 were in M.C.R. from 11/10/2014 to 10/11/2014, they shall be entitled for set off vide Section 428 of the Criminal Procedure Code (New Section 468 of the Bhartiya Nagrik Suraksha Sanhita).
- 7) The bail bonds of accused no. 1 to 3 and their surety bonds stand cancelled.
- 8) Valuable property No. 1/2022 Article-A skin and Article-B five nails of cub of leopard being Government property, it should be returned to the Assistant Conservator of Forest Wadsa after appeal period is over.
- 9) Seized Axe and Vehicle bearing No. MH 49 S 6452 lying with R.F.O. Kurkheda or Assistant Forest Conservator Wadsa is liable to be confiscated as per the provisions of Wild Life (Protection) Act and rules there under
- 10) Copy of this judgment shall be given to accused no. 1 to 3 free of

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costs forthwith.

(Judgment dictated and pronounced in open Court)

Place : Kurkheda.
Date : 18/04/2026

(N. P. Deshpande)
Judicial Magistrate F.C.
Kurkheda